

# State Board of Massage Therapy

## Laws and Regulations

A compilation of the Indiana Code and Indiana Administrative Code

2010 Edition



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**NOTICE:** This compilation incorporates the most recent revisions of statutes and administrative rules governing the massage therapy profession, as of December 31, 2010. Note that this compilation is not an official version of the Indiana Code or the Indiana Administrative Code. It is distributed as a general guide for Indiana's massage therapists. It is not intended to be offered as legal advice, and it may contain typographical errors. The State Board of Massage Therapy and the staff of the Indiana Professional Licensing Agency are prohibited from providing legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, contact your nearest public library or visit the website of the Indiana General Assembly at [www.in.gov/legislative](http://www.in.gov/legislative).

# STATE BOARD OF MASSAGE THERAPY

December 2010 Edition

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INDIANA CODE § 25-21.8

ARTICLE 21.8. MASSAGE THERAPISTS

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INDIANA CODE § 25-21.8-1

Chapter 1. Definitions

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**IC 25-21.8-1-1 Applicability of Definitions**

Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-1-2 "Board"**

Sec. 2. "Board" means the state board of massage therapy established by IC 25-21.8-2-1.

*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-1-3 "Licensing agency"**

Sec. 3. "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3.

*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-1-4 "Massage therapy"**

Sec. 4. "Massage therapy":

(1) means the application of massage techniques on the human body;

(2) includes:

(A) the use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and

(B) the external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparations that are not classified as prescription drugs; and

(3) does not include:

(A) spinal manipulation; and

(B) diagnosis or prescribing drugs for which a license is required.

*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-1-5 "Massage therapist"**

Sec. 5. "Massage therapist" means an individual who practices massage therapy.

*As added by P.L.200-2007, SEC.8.*

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INDIANA CODE § 25-21.8-2

Chapter 2. State Board of Massage Therapy

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**IC 25-21.8-2-1 Establishment of board**

Sec. 1. The state board of massage therapy is established.

*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-2-2 Members**

Sec. 2. (a) The board consists of five (5) members appointed by the governor as follows:

(1) Three (3) massage therapists, each of whom:

(A) is certified under this article; and

(B) has been actively practicing massage therapy for at least three (3) of the five (5) years immediately preceding the individual's appointment.

(2) Two (2) members of the general public. A board member appointed under this subdivision must not:

(A) be certified under this article;

(B) be the spouse of an individual who is certified or intends to be certified under this article; or

(C) have a direct or an indirect financial interest in the profession regulated under this article.

(b) A massage therapist member of the board is not required to be a member of a professional massage therapy association. However:

(1) not more than one (1) massage therapist member appointed to the board may belong to the same professional massage therapy association; and

(2) one (1) massage therapist member must not be a member of a professional massage therapy association.

*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-2-3 Terms of members**

Sec. 3. Each member of the board shall serve a term of three (3) years and until the member's successor is appointed and qualified.  
*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-2-4 Vacancies; terms; removal of members**

Sec. 4. (a) A vacancy in the membership of the board shall be filled by an individual appointed by the governor for the unexpired term.  
(b) A member may not serve more than two (2) consecutive terms in addition to any unexpired term to which the individual was appointed. A member may serve until a successor has been appointed and qualified under this chapter.  
(c) A member of the board may be removed for cause by the governor.  
*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-2-5 Election of officers; terms**

Sec. 5. (a) Each year the board shall elect from its members the following officers:  
(1) A chairperson.  
(2) A vice chairperson.  
(b) A member serving as chairperson or vice chairperson shall serve until the member's successor as chairperson or vice chairperson is elected.  
*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-2-6 Board meetings**

Sec. 6. The board shall meet at least one (1) time each calendar year upon the call of the chairperson or the written request of a majority of the members of the board and with the advice and consent of the executive director of the professional licensing agency.  
*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-2-7 Quorum**

Sec. 7. (a) Three (3) members of the board constitute a quorum.  
(b) An affirmative vote of three (3) members of the board is necessary for the board to take official action.  
*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-2-8 Disallowance of per diem; travel expenses**

Sec. 8. A member of the board is not entitled to a per diem allowance or any other compensation for the performance of the member's duties.  
*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-2-9 Board's duty to adopt rules**

Sec. 9. The board shall adopt rules under IC 4-22-2 regarding standards for the competent practice of massage therapy.  
*As added by P.L.200-2007, SEC.8.*

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**INDIANA CODE § 25-21.8-3****Chapter 3. Powers and Duties of the Board**

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**IC 25-21.8-3-1 Board powers and duties**

Sec. 1. (a) The board shall do the following:  
(1) Administer and enforce this article.  
(2) Adopt rules under IC 4-22-2 for the administration and enforcement of this article.  
(3) Judge the qualifications of applicants for certification under this article.  
(4) Issue, deny, or renew certifications under this article.  
(5) Subject to IC 4-21.5, IC 25-1-7, and IC 25-1-11, discipline individuals who are certified under this article for violations of this article.  
(6) Establish reasonable fees for examination, certification applications, renewal of certifications, and other services.  
(7) Maintain a record of all proceedings.  
(8) Maintain records of certified massage therapists.  
(9) Adopt at least two (2) examinations that an applicant may use for certification under this article.  
(b) The board may do the following:  
(1) Conduct administrative hearings.  
(2) Administer oaths in matters relating to the discharge of the official duties of the board.  
*As added by P.L.200-2007, SEC.8.*

**IC 25-21.8-3-2 Licensing agency responsibilities**

Sec. 2. The licensing agency shall do the following:  
(1) Carry out the administrative functions of the board.  
(2) Provide necessary personnel to carry out the duties of this article.  
(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of state for deposit in the state general fund.  
As added by P.L.200-2007, SEC.8.

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## INDIANA CODE § 25-21.8-4

### Chapter 4. Issuance of Certification

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#### IC 25-21.8-4-1 Application for certification

Sec. 1. An application for a massage therapist certification must be:

- (1) made to the board in the form and manner provided by the board; and
- (2) accompanied by an application fee in the amount set by the board.

As added by P.L.200-2007, SEC.8.

#### IC 25-21.8-4-2 Qualifications for certification

Sec. 2. An individual who applies for certification as a massage therapist must do the following:

- (1) Furnish evidence satisfactory to the board showing that the individual:
  - (A) is at least eighteen (18) years of age;
  - (B) has a high school diploma or the equivalent of a high school diploma;
  - (C) has successfully completed a massage therapy school or program that:
    - (i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy;
    - (ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and
    - (iii) is accredited by the Indiana commission on proprietary education established by IC 21-17-2-1 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and
  - (D) has taken and passed a certification examination approved by the board.
- (2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for certification if the applicant:
  - (A) has been convicted of:
    - (i) prostitution;
    - (ii) rape; or
    - (iii) sexual misconduct; or
  - (B) is a registered sex offender.
- (3) Provide proof that the applicant has professional liability insurance in force that lists the state as an additional insured.
- (4) Verify the information submitted on the application form.
- (5) Pay fees established by the board.

As added by P.L.200-2007, SEC.8. Amended by P.L.3-2008, SEC.186; P.L.177-2009, SEC.38.

#### IC 25-21.8-4-3 Protection of title

Sec. 3. An individual who is not certified under this article may not:

- (1) profess to be a certified massage therapist; or
- (2) use:
  - (A) the title "Certified Massage Therapist" or "Massage Therapist"; or
  - (B) the abbreviation "CMT" or "MT" to imply the person is a certified massage therapist.

As added by P.L.200-2007, SEC.8.

#### IC 25-21.8-4-4

Sec. 4. A massage therapist who is certified under this article shall provide proof of certification when practicing massage therapy.

As added by P.L.177-2009, SEC.39.

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## INDIANA CODE § 25-21.8-5

### Chapter 5. Certification by Endorsement

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#### IC 25-21.8-5-1 Certification by endorsement

Sec. 1. (a) The board may grant certification by endorsement to an individual who:

- (1) is licensed, certified, or registered in another state having credentialing standards that are at least as strict as the credentialing standards specified under this article;
- (2) is in good standing with the standards of the other state or country;

- (3) pays an application fee established by the board; and
  - (4) provides a history of the individual's criminal convictions, if any, including any criminal convictions relating to the practice of the profession.
- (b) The board shall deny an application for certification if the applicant:
- (1) has been convicted of:
    - (A) prostitution;
    - (B) rape; or
    - (C) sexual misconduct; or
  - (2) is a registered sex offender.

(c) An applicant for a certification by endorsement shall cause each state that previously credentialed the applicant to provide the board with the applicant's current status in the state.

*As added by P.L.200-2007, SEC.8.*

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## INDIANA CODE § 25-21.8-6

### Chapter 6. Certification Renewal

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#### IC 25-21.8-6-1 Expiration of license

Sec. 1. A certification issued by the board is valid for four (4) years. A certification expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every four (4) years thereafter, unless renewed before that date.

*As added by P.L.200-2007, SEC.8.*

#### IC 25-21.8-6-2 Certification renewal

Sec. 2. An individual who applies to renew certification as a massage therapist must:

- (1) apply for renewal in the manner required by the board; and
- (2) pay a renewal fee established by the board.

*As added by P.L.200-2007, SEC.8.*

#### IC 25-21.8-6-3 Failure to renew; reinstatement fee

Sec. 3. If a renewal application is not submitted within the time under section 1 of this chapter, the board shall charge the applicant a reinstatement fee in an amount established under IC 25-1-8-6.

*As added by P.L.200-2007, SEC.8.*

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## INDIANA CODE § 25-21.8-7

### Chapter 7. Discipline and Violations

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#### IC 25-21.8-7-1 Criminal violations

Sec. 1. (a) This section does not apply to the violation of a rule adopted by the board.

(b) A person who knowingly violates or causes a violation of this article commits a Class C misdemeanor.

*As added by P.L.200-2007, SEC.8.*

#### IC 25-21.8-7-2 Disciplinary procedures

Sec. 2. The board shall follow the disciplinary procedures established under IC 25-1-7 and IC 25-1-11.

*As added by P.L.200-2007, SEC.8.*

#### IC 25-21.8-7-3 Notification of criminal conviction

Sec. 3. If an individual certified under this article is convicted of a crime, the individual is responsible for notifying the board not later than thirty (30) days after the conviction.

*As added by P.L.200-2007, SEC.8.*

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## Non-Code Provisions under Public Law 200-2007

### P.L.200-2007, SECTION 9

(a) As used in this SECTION, "board" refers to the state board of massage therapy established by IC 25-21.8-2-1, as added by this act.

(b) The governor shall make initial appointments to the board not later than January 1, 2008. The initial members of the board shall serve for the following terms:

- (1) One (1) member appointed under IC 25-21.8-2-2(1), as added by this act, serves for one (1) year.



- (2) One (1) member appointed under IC 25-21.8-2-2(1), as added by this act, and one (1) member appointed under IC 25-21.8-2-2(2), as added by this act, serve for two (2) years.
- (3) One (1) member appointed under IC 25-21.8-2-2(1), as added by this act, and one (1) member appointed under IC 25-21.8-2-2(2), as added by this act, serve for three (3) years.
- (c) An individual who does not meet the requirements of IC 25-21.8-2-2(1), as added by this act, may be appointed to the board if the individual:
- (1) substantially meets the requirements of licensure under IC 25-21.8, as added by this act;
  - (2) currently practices massage therapy in Indiana; and
  - (3) has practiced massage therapy in Indiana after June 1, 2004, for at least three (3) consecutive years.
- (d) The three (3) members appointed under IC 25-21.8-2-2(1), as added by this act, are not required to be members of a professional massage therapy association. However:
- (1) not more than one (1) massage therapist member appointed to the board may belong to the same professional massage therapy association; and
  - (2) one (1) massage therapist member must not be a member of a professional massage therapy association.
- (e) This SECTION expires July 1, 2011.

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## INDIANA CODE § 25-1

### ARTICLE 1. GENERAL PROVISIONS

#### INDIANA CODE § 25-1-1

##### Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

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###### **IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax**

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

*(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.*

###### **IC 25-1-1-2 License defined**

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

*(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)*

###### **IC 25-1-1-3 Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2570.)*

###### **IC 25-1-1-4 Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2570.)*

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## INDIANA CODE § 25-1-1.1

### **Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons**

###### **IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime**

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

*(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6.*

###### **IC 25-1-1.1-2 Suspension or revocation of license or certificate; conviction for drug related offense**

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.

- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

*As added by P.L. 67-1990, SEC.7. Amended by P.L. 1-1991, SEC.162; P.L. 17-2001, SEC.5; P.L. 151-2006, SEC. 10.*

#### **IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses**

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

*As added by P.L. 67-1990, SEC.8. Amended by P.L. 182-1991, SEC.1; P.L. 17-2001, SEC.6; P.L. 1-2002, SEC.94; P.L. 151-2006, SEC.11.*

### **INDIANA CODE § 25-1-1.2**

#### **Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons**

##### **IC 25-1-1.2-1 "Applicant" defined**

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

*As added by P.L. 133-1995, SEC. 19.*

##### **IC 25-1-1.2-2 "Board" defined**

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.*

##### **IC 25-1-1.2-3 "Bureau" defined**

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 145-2006, SEC. 157.*

##### **IC 25-1-1.2-4 "Delinquent" defined**

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 18.*

**IC 25-1-1.2-5 "License" defined**

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.  
*As added by P.L.133-1995, SEC.19.*

**IC 25-1-1.2-6 "Practitioner" defined**

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

*As added by P.L.133-1995, SEC.19.*

**IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement**

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

- (1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.
- (2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

*As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109.*

**IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement**

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

- (1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.
- (2) Describes the amount of child support that the practitioner is in arrears.
- (3) Explains that unless the practitioner contacts the bureau and:
  - (A) pays the practitioner's child support arrearage in full;
  - (B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
  - (C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

- (4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.
- (5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.
- (6) Explains the procedures to:
  - (A) pay the practitioner's child support arrearage in full;
  - (B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
  - (C) request a hearing under IC 31-25-4-33.
- (7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:
  - (A) paid the practitioner's child support arrearage in full; or
  - (B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

- (1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:
  - (A) paid the person's child support arrearage in full; or
  - (B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.
- (2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:
  - (A) pay the person's child support arrearage in full; or
  - (B) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or  
(2) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 IC 31-16-15-2.5; within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.  
(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:  
(1) paid the person's child support arrearage in full; or  
(2) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.  
*As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.*

**IC 25-1-1.2-9 Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

**IC 25-1-1.2-10 Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

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**INDIANA CODE § 25-1-2**

**Chapter 2. Renewal of Licenses Granted by State Agencies.  
Notice of Expiration**

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**IC 25-1-2-1 Declaration of intent**

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefore, to require the payment of such fees for a period of two (2) years rather than for one (1) year.  
*(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.*

**IC 25-1-2-2 Repealed**

*(Repealed by P.L.1-1990, SEC.247.)*

**IC 25-1-2-2.1 Two year or longer period for certain licenses**

Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.

- (27) Athlete agents.
- (28) Manufactured home installers.
- (29) Home inspectors.
- (30) Massage therapists.
- (31) Interior designers.
- (32) Genetic counselors

*As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L. 87-2005, SEC. 31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10.; P.L.84-2010, SEC.6.*

#### **IC 25-1-2-3 Authorization to issue and reissue two year licenses**

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.

*(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.*

#### **IC 25-1-2-4 Rebates and proration of fees**

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.

*(Formerly: Acts 1961, c.79, s.4.)*

#### **IC 25-1-2-5 Rules and regulations**

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

*(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.*

#### **IC 25-1-2-6 Version b; Definitions; application of section; notice to licensee of need to renew**

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of cosmetology and barber examiners.
- (6) Medical licensing board of Indiana.
- (7) Secretary of state.
- (8) State board of dentistry.
- (9) State board of funeral and cemetery service.
- (10) Worker's compensation board of Indiana.
- (11) Indiana state board of health facility administrators.
- (12) Committee of hearing aid dealer examiners.
- (13) Indiana state board of nursing.
- (14) Indiana optometry board.
- (15) Indiana board of pharmacy.
- (16) Indiana plumbing commission.
- (17) Board of podiatric medicine.
- (18) Private investigator and security guard licensing board.
- (19) State board of registration for professional engineers.
- (20) State psychology board.
- (21) Indiana real estate commission.
- (22) Speech-language pathology and audiology board.
- (23) Department of natural resources.
- (24) State athletic commission.
- (25) Board of chiropractic examiners.
- (26) Mining board.
- (27) Indiana board of veterinary medical examiners.
- (28) State department of health.
- (29) Indiana physical therapy committee.
- (30) Respiratory care committee.

- (31) Occupational therapy committee.
- (32) Behavioral health and human services licensing board.
- (33) Real estate appraiser licensure and certification board.
- (34) State board of registration for land surveyors.
- (35) Physician assistant committee.
- (36) Indiana dietitians certification board.
- (37) Attorney general (only for the regulation of athlete agents).
- (38) Manufactured home installer licensing board.
- (39) Home inspectors licensing board.
- (40) State board of massage therapy.
- (41) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

*As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7.*

#### **IC 25-1-2-6 Version c; Definitions; application of section; notice to licensee of need to renew**

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private investigator and security guard licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) Board of chiropractic examiners.
- (27) Mining board.
- (28) Indiana board of veterinary medical examiners.
- (29) State department of health.
- (30) Indiana physical therapy committee.
- (31) Respiratory care committee.
- (32) Occupational therapy committee.
- (33) Behavioral health and human services licensing board.
- (34) Real estate appraiser licensure and certification board.
- (35) State board of registration for land surveyors.
- (36) Physician assistant committee.
- (37) Indiana dietitians certification board.

- (38) Indiana hypnotist committee.
- (39) Attorney general (only for the regulation of athlete agents).
- (40) Manufactured home installer licensing board.
- (41) Home inspectors licensing board.
- (42) State board of massage therapy.
- (43) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

*As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.113-2010, SEC.100.*

#### **IC 25-1-2-7 Application of IC 25-1-2-6**

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

*As added by P.L.37-1985, SEC.56.*

#### **IC 25-1-2-8 Application of chapter; fees**

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

- IC 14-24-10
- IC 16-19-5-2
- IC 25-30-1-17
- IC 33-42-2-1.

*As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.*

#### **IC 25-1-2-9 Repealed**

*(Repealed by P.L. 194-2005, SEC. 87.)*

## **INDIANA CODE § 25-1-3**

### **Chapter 3. Civil Immunity of Regulatory Agencies**

#### **IC 25-1-3-1 Definitions**

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

*(Formerly: Acts 1975, P.L.268, SEC.1.)*

#### **IC 25-1-3-2 Extent of immunity from civil liability**

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.

*(Formerly: Acts 1975, P.L.268, SEC.1.)*

#### **IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings**

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.

*(Formerly: Acts 1975, P.L.268, SEC.1.)*

#### **IC 25-1-3-4 Regulatory boards covered**

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.

*(Formerly: Acts 1975, P.L.268, SEC.1.)*

Chapter 6. Professional Licensing Agency

**IC 25-1-6-1 Legislative intent**

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L. 194-2005, SEC. 1.*

**IC 25-1-6-2 Definitions**

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L. 206-2005, SEC. 8.*

**IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities**

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (5) State board of funeral and cemetery service (IC 25-15-9).
- (6) State board of registration for professional engineers (IC 25-31-1-3).
- (7) Indiana plumbing commission (IC 25-28.5-1-3).
- (8) Indiana real estate commission (IC 25-34.1).
- (9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (10) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (11) State board of registration for land surveyors (IC 25-21.5-2-1).
- (12) Manufactured home installer licensing board (IC 25-23.7).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of massage therapy (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L. 194-2005, SEC. 2; P.L. 206-2005, SEC. 9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6.*

**IC 25-1-6-4 Additional duties and functions; staff**

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons or individuals licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal

(b) In addition, the licensing agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

- (1) renew the license or certificate; and
- (2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:



- (1) meets the minimum requirements for licensure or certification; and
- (2) is not in violation of:
  - (A) the law regulating the applicant's profession; or
  - (B) rules adopted by the board regulating the applicant's profession.
- (f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:
  - (1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.
  - (2) Renew the license or certificate upon satisfaction of all other requirements for renewal.
  - (3) Renew the license and file a complaint under IC 25-1-7.
  - (4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.
  - (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.
- (g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).
- (h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:
  - (1) denied; or
  - (2) summarily suspended under IC 25-1-11-13.
- (i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.
- (j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.
- (k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L. 194-2005, SEC. 3.*

#### **IC 25-1-6-5 Executive director**

- Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.
- (b) The executive director must be qualified by experience and training.
  - (c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.
  - (d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.
  - (e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.
  - (f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.
  - (g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.
  - (h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L. 194-2005, SEC. 4.*

#### **IC 25-1-6-5.5 Appeal of license renewal denial**

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21.5-3.

*As added by P.L.227-2001, SEC.4. Amended by P.L.1-2002, SEC.95; P.L. 194-2005, SEC. 5.*

#### **IC 25-1-6-6 Executive director; representatives; staff placement**

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at

board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.  
*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L. 132-1984, SEC.7.*

**IC 25-1-6-7 Repealed**

*(Repealed by P.L. 186-1990, SEC.17.)*

**IC 25-1-6-8 Department of state revenue; access to names of licensees and applicants; persons on tax warrant list**

Sec. 8. (a) The bureau and the boards may allow the department of state revenue access to the name of each person who:

- (1) is licensed under this chapter or IC 25-1-5; or
- (2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

- (1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or
- (2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

*As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L. 2-2005, SEC. 63; P.L. 206-2005, SEC. 10.*

**IC 25-1-6-9 Repealed**

*(Repealed by P.L. 186-1990, SEC.17.)*

**IC 25-1-6-10 Provision of social security numbers; access to numbers**

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

*As added by P.L.157-2006, SEC.19.*

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**INDIANA CODE § 25-1-7**

**Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations**

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**IC 25-1-7-1 Version b; Definitions**

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State athletic commission (IC 25-9-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3- 1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Indiana state board of nursing (IC 25-23-1).
- (13) Indiana optometry board (IC 25-24).
- (14) Indiana board of pharmacy (IC 25-26).

- (15) Indiana plumbing commission (IC 25-28.5-1-3).
- (16) Board of podiatric medicine (IC 25-29-2-1).
- (17) State psychology board (IC 25-33).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana real estate commission (IC 25-34.1-2).
- (20) Indiana board of veterinary medical examiners (IC 25-38.1).
- (21) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (22) Respiratory care committee (IC 25-34.5).
- (23) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (24) Occupational therapy committee (IC 25-23.5).
- (25) Behavioral health and human services licensing board (IC 25-23.6).
- (26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (27) State board of registration for land surveyors (IC 25-21.5-2-1).
- (28) Physician assistant committee (IC 25-27.5).
- (29) Indiana athletic trainers board (IC 25-5.1-2-1).
- (30) Indiana dietitians certification board (IC 25-14.5-2-1).
- (31) Indiana physical therapy committee (IC 25-27).
- (32) Manufactured home installer licensing board (IC 25-23.7).
- (33) Home inspectors licensing board (IC 25-20.2-3-1).
- (34) State department of health, for out-of-state mobile health care facilities.
- (35) State board of massage therapy (IC 25-21.8-2-1).
- (36) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134, SEC.16; P.L.1-2009, SEC.138; P.L.160-2009, SEC.7; P.L.122-2009, SEC.5; P.L.84-2010, SEC.12.*

#### **IC 25-1-7-1 Version c; Definitions**

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Indiana state board of nursing (IC 25-23-1).
- (13) Indiana optometry board (IC 25-24).
- (14) Indiana board of pharmacy (IC 25-26).
- (15) Indiana plumbing commission (IC 25-28.5-1-3).
- (16) Board of podiatric medicine (IC 25-29-2-1).
- (17) Board of environmental health specialists (IC 25-32-1).
- (18) State psychology board (IC 25-33).
- (19) Speech-language pathology and audiology board (IC 25-35.6-2).
- (20) Indiana real estate commission (IC 25-34.1-2).
- (21) Indiana board of veterinary medical examiners (IC 25-38.1).
- (22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (23) Respiratory care committee (IC 25-34.5).
- (24) Private investigator and security guard licensing board (IC 25-30-1-5.2).

- (25) Occupational therapy committee (IC 25-23.5).
- (26) Behavioral health and human services licensing board (IC 25-23.6).
- (27) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (28) State board of registration for land surveyors (IC 25-21.5-2-1).
- (29) Physician assistant committee (IC 25-27.5).
- (30) Indiana athletic trainers board (IC 25-5.1-2-1).
- (31) Indiana dietitians certification board (IC 25-14.5-2-1).
- (32) Indiana hypnotist committee (IC 25-20.5-1-7).
- (33) Indiana physical therapy committee (IC 25-27).
- (34) Manufactured home installer licensing board (IC 25-23.7).
- (35) Home inspectors licensing board (IC 25-20.2-3-1).
- (36) State department of health, for out-of-state mobile health care entities.
- (37) State board of massage therapy (IC 25-21.8-2-1).
- (38) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.113-2010, SEC.101.*

#### **IC 25-1-7-2 Duties of attorney general**

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-3 Investigation of complaints**

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-4 Complaints; requisites; standing**

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-5 Duties and powers of director**

Sec. 5. (a) Subsection (b)(1) does not apply to:

- (1) a complaint filed by:
  - (A) a member of any of the boards listed in section 1 of this chapter; or
  - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

- (1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.
- (2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.
- (3) The director shall report any pertinent information regarding the status of the complaint to the complainant.
- (4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.
- (5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L. 206-2005, SEC. 11.*

#### **IC 25-1-7-6 Statement of settlement; period of time to resolve**

Sec. 6. (a) This section does not apply to:

- (1) a complaint filed by:
  - (A) a member of any of the boards listed in section 1 of this chapter; or
  - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the

director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L. 206-2005, SEC. 12.*

#### **IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer**

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-8 Witnesses**

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-9 Disqualification of board member**

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (Repealed)).

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.*

#### **IC 25-1-7-10 Confidentiality of complaints and information**

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

- (1) under law; or
- (2) for the advancement of an investigation.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167.*

#### **IC 25-1-7-11 Administrative orders and procedures**

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.*

#### **IC 25-1-7-12 Reimbursement of attorney general**

Sec. 12. (a) If:

- (1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and
  - (2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);
- the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

- (1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

*As added by P.L.255-1987, SEC.1.*

#### **IC 25-1-7-13 Reports; contents**

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

- (1) The number of complaints filed.
- (2) The number of cases currently under investigation.
- (3) The number of cases closed.
- (4) The number of cases resolved.
- (5) The age of the complaints.

*As added by P.L.177-1997, SEC.1.*

### **IC 25-1-7-14 Cease and desist orders**

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

- (1) File a complaint with the attorney general, who shall investigate and may file:
  - (A) with notice; or
  - (B) without notice, if the attorney general determines that person is engaged in activities that may affect an individual's health or safety; a motion for a cease and desist order with the appropriate board.
- (2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title.
- (b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.
- (c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.
- (d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.
- (e) A cease and desist order issued under this section does not relieve any person from criminal prosecution.

*As added by P.L.84-2010, SEC.13.*

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## **INDIANA CODE § 25-1-8**

### **Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees**

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#### **IC 25-1-8-1 Version b; "Board" defined**

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State athletic commission (IC 25-9-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Mining board (IC 22-10-1.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) State psychology board (IC 25-33).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana real estate commission (IC 25-34.1-2-1).
- (20) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (21) Department of insurance (IC 27-1).
- (22) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (25) Occupational therapy committee (IC 25-23.5-2-1).
- (26) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (27) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (28) State board of registration for land surveyors (IC 25-21.5-2-1).
- (29) Physician assistant committee (IC 25-27.5).
- (30) Indiana athletic trainers board (IC 25-5.1-2-1).
- (31) Board of podiatric medicine (IC 25-29-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana physical therapy committee (IC 25-27).
- (34) Manufactured home installer licensing board (IC 25-23.7).
- (35) Home inspectors licensing board (IC 25-20.2-3-1).
- (36) State board of massage therapy (IC 25-21.8-2-1).
- (37) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.84-2010, SEC.14.*

#### **IC 25-1-8-1 Version c; "Board" defined**

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Mining board (IC 22-10-1.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of environmental health specialists (IC 25-32-1).
- (18) State psychology board (IC 25-33).
- (19) Speech-language pathology and audiology board (IC 25-35.6-2).
- (20) Indiana real estate commission (IC 25-34.1-2-1).
- (21) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (22) Department of insurance (IC 27-1).
- (23) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (24) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) Occupational therapy committee (IC 25-23.5-2-1).
- (27) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Board of podiatric medicine (IC 25-29-2-1).
- (33) Indiana dietitians certification board (IC 25-14.5-2-1).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) State board of massage therapy (IC 25-21.8-2-1).
- (38) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.113-2010, SEC.102.*

#### **IC 25-1-8-1.1 Repealed**

*(Repealed by P.L.19-1986, SEC.43.)*

#### **IC 25-1-8-2 Fees; establishment and collection**

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than twenty-five dollars (\$25) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars (\$10) for the issuance of a duplicate license, registration, or certificate.

*As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.*

#### **IC 25-1-8-3 Quadrennial license or registration cycle; refunds**

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

*As added by Acts 1982, P.L.113, SEC.14.*

#### **IC 25-1-8-4 Quadrennial license renewal system**

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

*As added by P.L.234-1983, SEC.3.*

#### **IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review**

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

(1) setting fees for review;

(2) requiring that an examination remain confidential; and

(3) prohibiting the release of the examination or copies of the examination.

*As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.*

#### **IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses**

Sec. 6. (a) As used in this section, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana athletic trainers board (IC 25-5.1-2-1).

(4) Indiana auctioneer commission (IC 25-6.1-2-1).

(5) Board of chiropractic examiners (IC 25-10-1).

(6) State board of cosmetology and barber examiners (IC 25-8-3-1).

(7) State board of dentistry (IC 25-14-1).

(8) Indiana dietitians certification board (IC 25-14.5-2-1).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) State board of funeral and cemetery service (IC 25-15-9).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).

(13) Home inspectors licensing board (IC 25-20.2-3-1).

(14) Indiana hypnotist committee (IC 25-20.5-1-7).

(15) State board of registration for land surveyors (IC 25-21.5-2-1).

(16) Manufactured home installer licensing board (IC 25-23.7).

(17) Medical licensing board of Indiana (IC 25-22.5-2).

(18) Indiana state board of nursing (IC 25-23-1).

(19) Occupational therapy committee (IC 25-23.5).

(20) Indiana optometry board (IC 25-24).

(21) Indiana board of pharmacy (IC 25-26).

(22) Indiana physical therapy committee (IC 25-27).

(23) Physician assistant committee (IC 25-27.5).



- (24) Indiana plumbing commission (IC 25-28.5-1-3).
- (25) Board of podiatric medicine (IC 25-29-2-1).
- (26) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (27) State psychology board (IC 25-33).
- (28) Indiana real estate commission (IC 25-34.1-2).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) Respiratory care committee (IC 25-34.5).
- (31) Behavioral health and human services licensing board (IC 25-23.6).
- (32) Speech-language pathology and audiology board (IC 25-35.6-2).
- (33) Indiana board of veterinary medical examiners (IC 25-38.1).
- (34) State board of massage therapy (IC 25-21.8-2-1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

*As added by P.L.269-2001, SEC.5. Amended by P.L. 206-2005, SEC. 13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9.; P.L.84-2010, SEC.14*

#### **IC 25-1-8-7 Repealed**

*(Repealed by P.L.157-2006, SEC.76.)*

#### **IC 25-1-8-8 License reinstatement; grounds for denial**

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.
- (2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.
- (3) Reinstatement of the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
- (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
- (3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

*As added by P.L.197-2007, SEC.21.*

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## INDIANA CODE § 25-1-10

### Chapter 10. Reserved

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## INDIANA CODE § 25-1-11

### Chapter 11. Professional Licensing Standards of Practice

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#### IC 25-1-11-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State athletic commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (13) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1)
- (16) State board of massage therapy (IC 25-21.8-2-1)

*As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10.*

#### IC 25-1-11-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.*

#### IC 25-1-11-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L.214-1993, SEC.1.*

#### IC 25-1-11-4 "Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.*

#### IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:

- (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities;
  - (C) advertised services or goods in a false or misleading manner; or
  - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices.
- (2) a practitioner has been convicted of a crime that:
- (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
  - (B) is harmful to the public.
- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
- (A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;
- (9) a practitioner has allowed a license issued by a board to be:
- (A) used by another person; or
  - (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or
- (10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.
- (b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).
- (c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).
- As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.*

#### **IC 25-1-11-6 Architect or landscape architect; grounds for disciplinary sanctions**

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or
- (2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions**

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

- (1) account and to make payment under IC 25-6.1-6-2; or
- (2) keep the funds of others separate from the practitioner's own private accounts.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-8 Barbers; grounds for disciplinary sanctions**

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-9 Engineers or land surveyors; grounds for disciplinary sanctions**

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

- (1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates;
- (2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-9.5 Repealed**

*(Repealed by P.L. 194-2005, SEC. 87.)*

**IC 25-1-11-10 Physical and mental examination of practitioner**

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1. Amended by P.L. 194-2005, SEC. 7.*

**IC 25-1-11-11 Refusal of physical or mental examination; summary suspension**

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

*As added by P.L.214-1993, SEC.1.*

**IC 25-1-11-12 Sanctions for violations**

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

*As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17.*

**IC 25-1-11-13 Summary suspension of practitioners; real estate appraisers; notification by consumer protection division**

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

- (1) a hearing by the board to suspend the practitioner's license; and
- (2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182.*

**IC 25-1-11-14 Reinstatement of suspended license**

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.*

**IC 25-1-11-15 Reinstatement of revoked license**

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-16 Consistency of sanctions**

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-17 Surrender of practitioner license**

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

- (1) has filed an administrative complaint concerning the practitioner's license; and
- (2) opposes the surrender of the practitioner's license.

*As added by P.L.214-1993, SEC.1. Amended by P.L.105-2009, SEC.13; P.L.52-2009, SEC.10.*

#### **IC 25-1-11-18 Costs; practitioners subjected to sanctions**

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.
- (11) Real estate review appraisals, if applicable.

*As added by P.L.214-1993, SEC.1. Amended by P.L. 194-2005, SEC. 8; P.L.105-2009, SEC.14; P.L.52-2009, SEC.11.*

#### **IC 25-1-11-19 Refusal of licensure or granting of probationary license**

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

- (A) been disciplined by a licensing entity of another state or jurisdiction; or
- (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to the areas prescribed by the board.
- (3) Continue or renew professional education requirements.
- (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.*

#### **IC 25-1-11-20 Applicant appearance before board**

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

*As added by P.L. 194-2005, SEC. 10.*

#### **IC 25-1-11-21 Adoption of rules; spouses of active duty military personnel**

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;

- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.  
*As added by P.L.144-2007, SEC.26.*

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## INDIANA CODE § 25-1-12

### Chapter 12. Renewal of Licenses Held by Individuals in Military Service

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#### **IC 25-1-12-1 Applicability of chapter**

Sec. 1. This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and
- (2) is called to active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61.*

#### **IC 25-1-12-2 "Active duty" defined**

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

*As added by P.L.88-2004, SEC.2.*

#### **IC 25-1-12-3 "Armed forces of the United States" defined**

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or
- (6) the merchant marine.

*As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 64.*

#### **IC 25-1-12-4 "National guard" defined**

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

*As added by P.L.88-2004, SEC.2.*

#### **IC 25-1-12-5 "Practitioner" defined**

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title, IC 16, or IC 22.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.*

#### **IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions**

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

- (1) renew; and
- (2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

- (1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.
- (2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.

(3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:

- (A) discharge; or
- (B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.*

#### **IC 25-1-12-7 Waiver of late fees**

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

*As added by P.L.88-2004, SEC.2.*

#### **IC 25-1-12-8 Construction with federal law**

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or
- (2) the national guard;

under federal law.

*As added by P.L.88-2004, SEC.2.*

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## **INDIANA CODE § 25-1-14**

### **Chapter 14. Meetings**

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#### **IC 25-1-14-1 Applicability**

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.

*As added by P.L.179-2007, SEC.14.*

#### **IC 25-1-14-2 Participation by member not physically present at meeting**

Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

- (1) except as provided in subsections (b) and (c), at which at least a quorum is physically present at the place where the meeting is conducted; and
- (2) by using a means of communication that permits:
  - (A) all other members participating in the meeting; and
  - (B) all members of the public physically present at the place where the meeting is conducted;to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:

- (1) all other members participating in the meeting; and
- (2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member of the state athletic commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing, sparring, or unarmed combat match or exhibition under IC 25-9-1-6(b) by using a means of communication that permits:

- (1) all other members participating in the meeting; and
- (2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(d) A member who participates in a meeting under subsection (b) or (c):

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

*As added by P.L.179-2007, SEC.14. Amended by P.L.105-2008, SEC.3; P.L.160-2009, SEC.11.*

#### **IC 25-1-14-3 Member considered present**

Sec. 3. A member who participates in a meeting under section 2 of this chapter:

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

*As added by P.L.179-2007, SEC.14.*

**IC 25-1-14-4 Meeting memoranda requirements**

Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

- (1) each member who was physically present at the place where the meeting was conducted;
- (2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and
- (3) each member who was absent.

*As added by P.L.179-2007, SEC.14.*

**INDIANA CODE § 4-6**

**ARTICLE 6. ATTORNEY GENERAL**

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**INDIANA CODE § 4-6-14**

**Chapter 14. Health Records and Identifying Information Protection**

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**IC 4-6-14-1 "Abandoned"**

Sec. 1. As used in this chapter, "abandoned" means voluntarily surrendered, relinquished, or disclaimed by the health care provider or regulated professional, with no intention of reclaiming or regaining possession.

*As added by P.L.84-2010, SEC.1.*

**IC 4-6-14-2 "Health care provider"**

Sec. 2. As used in this chapter, "health care provider" means a person listed in IC 16-39-7-1(a)(1) through IC 16-39-7-1(a)(11).

*As added by P.L.84-2010, SEC.1.*

**IC 4-6-14-3 "Personal Information"**

Sec. 3. As used in this chapter, "abandoned" means voluntarily surrendered, relinquished, or disclaimed by the health care provider or regulated professional, with no intention of reclaiming or regaining possession.

*As added by P.L.84-2010, SEC.1.*

**IC 4-6-14-4 "Regulated professional"**

Sec. 4. Sec. 4. As used in this chapter, "regulated professional" means an individual who is regulated by a board listed under IC 25-1-11-1.

*As added by P.L.84-2010, SEC.1.*

**IC 4-6-14-5 Attorney general's powers**

Sec. 5. The attorney general may do the following with abandoned health records and other records that contain personal information:

- (1) Take possession of.
- (2) Store.
- (3) Maintain.
- (4) Transfer.
- (5) Protect.
- (6) Destroy, subject to the limitations in sections 8(b) and 9(b) of this chapter.

*As added by P.L.84-2010, SEC.1.*

**IC 4-6-14-6 Determination of abandonment**

Sec. 6. (a) Before taking any action described in section 5 of this chapter, the attorney general shall determine whether a health care provider or regulated professional has abandoned health records or records containing personal information.

(b) A determination of abandonment under this section may only be used for the purpose of taking an action described in this chapter. However, a subsequent enforcement action may take place under a state or federal law based on proof of facts that may have contributed to the determination of abandonment if the facts are proved in a subsequent enforcement action.

(c) An investigation to make a determination of abandonment under this section must be conducted under the attorney general's authority under existing state and federal law. Nothing in this chapter shall be construed to create new authority for a subpoena or search warrant.

*As added by P.L.84-2010, SEC.1.*

**IC 4-6-14-7 Notification**

Sec. 7. (a) The attorney general shall make reasonable efforts to notify the patients and those individuals identified in:

- (1) health records; or
- (2) records or documents that contain personal information;

that the attorney general has taken possession of the records or documents. The notice in this subsection must include information about the procedure for either obtaining originals or copies of the records or having the original records sent to a duly authorized subsequent treating health care provider.



(b) Unless prohibited by law, the attorney general may also notify other persons, including professional organizations, hospitals, law enforcement agencies, and government units, who:

- (1) may be able to assist in notifying persons whose records were abandoned and secured by the attorney general under this chapter; and
- (2) when appropriate, may be able to assist in returning the records to those persons.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-8 Length of time health records must be maintained; destruction of records**

Sec. 8. (a) The attorney general shall maintain health records obtained under section 5 of this chapter for the lesser of the following:

- (1) The time required under IC 16-39-7-1 and IC 16-39-7-2.
- (2) Three (3) years after the date the records are secured.

(b) When the time expires under subsection (a), the attorney general may destroy the health records obtained under section 5 of this chapter.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-9 Length of time personal information records must be maintained; destruction of records**

Sec. 9. (a) The attorney general shall maintain records that are not health records but contain personal information for at least three (3) years after the date the records are seized or secured.

(b) When the time expires under subsection (a) and after notification under section 7 of this chapter, the attorney general may destroy the records that contain personal information.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-10 Health records and personal identifying information protection trust fund**

Sec. 10. (a) The health records and personal identifying information protection trust fund is established for the purpose of paying storage, maintenance, copying, mailing, and transfer of:

- (1) health records; and
- (2) records containing personal information;

as required under this chapter. Expenditures from the trust fund may be made only to carry out the purposes of this subsection.

(b) Subject to subsection (c), if a health care provider or a regulated professional is disciplined under IC 25-1-9 or IC 25-1-11, the board that issues the disciplinary order shall impose a fee against the individual of five dollars (\$5). The fee must be deposited into the health records and personal identifying information protection trust fund.

(c) If the amount in the health records and personal identifying information protection trust fund exceeds seventy-five thousand dollars (\$75,000), the fee imposed under subsection (b) may not be imposed on an individual who is subject to a disciplinary order.

(d) The attorney general shall administer the trust fund.

(e) The expenses of administering the trust fund shall be paid from the money in the fund.

(f) The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(g) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-11 Immunity**

Sec. 11. The attorney general is immune from civil liability for destroying or failing to maintain custody and control of any record obtained under this chapter.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-12 Cooperation with other agencies**

Sec. 12. The following may cooperate with the attorney general's office to implement this chapter:

- (1) The Indiana professional licensing agency and the appropriate board that regulates a health care provider or a regulated professional under IC 25.
- (2) The state police department.
- (3) A prosecuting attorney.
- (4) Local law enforcement agencies.
- (5) Federal law enforcement agencies.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-13 Rules**

Sec. 13. The attorney general may adopt rules under IC 4-22-2 that are necessary to administer and implement this chapter.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-14 Judicial review**

Sec. 14. A determination by the attorney general that health records or other records that contain personal information have been abandoned is subject to review in a circuit or superior court. A person who seeks to enforce this section must first notify the attorney general of the intention to seek judicial review.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-15 Funding**

Sec. 15. The attorney general may pay for the administration of this chapter only from funds currently appropriated to the office of the attorney general.

*As added by P.L.84-2010, SEC.1.*

Chapter 15. Exemptions for Athletic Organization Practitioners Licensed in Other Jurisdictions

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**IC 25-1-15-1 "License" defined**

Sec. 1. As used in this chapter, "license" includes a license, certificate, or registration.

*As added by P.L.177-2009, SEC.18.*

**IC 25-1-15-2 "Practitioner" defined**

Sec. 2. As used in this chapter, "practitioner" refers to any of the following:

- (1) Athletic trainer.
- (2) Chiropractor.
- (3) Dentist.
- (4) Dietitian.
- (5) Marriage and family therapist.
- (6) Massage therapist.
- (7) Mental health counselor.
- (8) Nurse.
- (9) Occupational therapist.
- (10) Optometrist.
- (11) Physical therapist.
- (12) Physician.
- (13) Physician assistant.
- (14) Podiatrist.
- (15) Psychologist.
- (16) Respiratory care practitioner.
- (17) Social worker.

*As added by P.L.177-2009, SEC.18.*

**IC 25-1-15-3 Exemption**

Sec. 3. (a) A practitioner licensed in another state, territory, or jurisdiction of the United States or of any nation or foreign jurisdiction is exempt from the requirements of licensure under this title, if the practitioner:

- (1) holds an active license to practice the profession in question in the other jurisdiction;
- (2) engages in the active practice of the profession in which the practitioner is licensed in the other jurisdiction; and
- (3) is employed or designated as the athletic or sports organization's practitioner by an athletic or sports organization visiting Indiana for a specific sporting event.

(b) A practitioner's practice under this section is limited to the members, coaches, and staff of the athletic or sports organization that employs or designates the practitioner.

(c) A practitioner practicing in Indiana under the authority of this section:

- (1) does not have practice privileges in any licensed hospital or health care facility; and
- (2) is not authorized to issue orders or prescriptions or to order testing at a medical facility; in Indiana.

(d) A practitioner's practice under this section may not exceed thirty (30) consecutive days for a specific event.

*As added by P.L.177-2009, SEC.18.*

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**Non-Code Provision under Public Law 206-2005**

**P.L. 206-2005, SECTION 16**

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

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TITLE 847 STATE BOARD OF MASSAGE THERAPY

ARTICLE 1. MASSAGE THERAPIST CERTIFICATION

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Rule 1. Definitions

**847 IAC 1-1-1 Applicability**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 1. The definitions in this rule apply throughout this title.

*(State Board of Massage Therapy; 847 IAC 1-1-1; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

**847 IAC 1-1-2 "Board" defined**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8-2-1

Sec. 2. "Board" means the state board of massage therapy established by IC 25-21.8-2-1.

*(State Board of Massage Therapy; 847 IAC 1-1-2; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

**847 IAC 1-1-3 "Certificate holder" defined**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 3. "Certificate holder" means a massage therapist certified by the board under this title.

*(State Board of Massage Therapy; 847 IAC 1-1-3; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

**847 IAC 1-1-4 "Client" defined**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 4. "Client" means a person:

- (1) requesting;
- (2) receiving; or
- (3) who has received;

massage therapy.

*(State Board of Massage Therapy; 847 IAC 1-1-4; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

**847 IAC 1-1-5 "Draping" defined**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 5. "Draping" means covering a client with an opaque material that is sufficiently large to protect the client's personal privacy.

*(State Board of Massage Therapy; 847 IAC 1-1-5; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

**847 IAC 1-1-6 "Licensing agency" defined**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-1-5-3; IC 25-21.8

Sec. 6. "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3.

*(State Board of Massage Therapy; 847 IAC 1-1-6; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

**847 IAC 1-1-7 "Massage therapist" defined**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 7. "Massage therapist" has the meaning set forth in IC 25-21.8. *(State Board of Massage Therapy; 847 IAC 1-1-7; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

**847 IAC 1-1-8 "Massage therapy" defined**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 8. "Massage therapy" has the meaning set forth in IC 25-21.8. *(State Board of Massage Therapy; 847 IAC 1-1-8; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

## **Rule 2. Standards for Competent Practice**

### **847 IAC 1-2-1 Purpose**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 1. This rule establishes standards for the competent practice of massage therapy.

*(State Board of Massage Therapy; 847 IAC 1-2-1; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

### **847 IAC 1-2-2 General requirements**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-1-11; IC 25-21.8

Sec. 2. (a) A certificate holder in the conduct of his or her practice of massage therapy shall do the following:

- (1) Comply with the following:
    - (A) This rule.
    - (B) The professional licensing standards of practice set forth in IC 25-1-11.
    - (C) The legal requirements of the city, town, or other jurisdiction where massage therapy is practiced.
  - (2) Practice massage therapy within the scope of his or her education and training and not misrepresent professional qualifications relating to:
    - (A) certification;
    - (B) education;
    - (C) experience; or
    - (D) areas of competence.
  - (3) Practice massage therapy with that level of care, skill, and treatment recognized by a reasonably prudent massage therapist as being acceptable under similar circumstances and conditions.
  - (4) Acknowledge the limitations and contraindications of massage therapy.
- (b) A certificate holder in the conduct of his or her practice of massage therapy shall not do the following:
- (1) Delegate massage therapy responsibilities to a person who is not qualified.
  - (2) Encourage or permit another person to use:
    - (A) the title "Certified Massage Therapist" or "Massage Therapist"; or
    - (B) the abbreviation "CMT" or "MT";if such person is not certified under this article.
  - (3) Knowingly allow another person to use the certificate holder's certification.
- (c) A certificate holder that advertises massage therapy services shall do so in a manner that is:
- (1) accurate;
  - (2) free of deception; and
  - (3) representative of the services that can be provided.

*(State Board of Massage Therapy; 847 IAC 1-2-2; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

### **847 IAC 1-2-3 Client assessment and consent**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 3. (a) Prior to providing massage therapy, the certificate holder shall obtain the following from the client:

- (1) Information about the reasons and expectations for the massage therapy session.
  - (2) Health history and current health status to determine the indications and contraindications for the application of massage therapy.
  - (3) Voluntary and informed consent, either oral or written, for the agreed upon massage therapy services.
  - (4) Written consent of a parent or guardian for any massage therapy services to be provided to a client less than eighteen (18) years of age.
- (b) The certificate holder shall do the following:
- (1) Request from the client only information that is relevant to the professional client-massage therapist relationship.
  - (2) Display a fee schedule or discuss fees and payment with the client prior to providing massage therapy services.
  - (3) Maintain documentation for each massage therapy session, when practicable, including the following:
    - (A) The date of service.
    - (B) Client assessment.
    - (C) Nature of treatment and services provided.
    - (D) Treatment plan, when applicable.
  - (4) Refer the client to a licensed health care professional when appropriate.
  - (5) Respect the client's right to refuse, modify, or terminate services at any point, regardless of the client's prior consent.
- (c) The certificate holder shall not do the following:
- (1) Massage the breasts of a female client unless the certificate holder has:
    - (A) training in techniques related to therapeutic massage of mammary tissue; and
    - (B) first obtained informed written consent for the treatment from the client.
  - (2) Perform pregnancy massage unless the certificate holder has:
    - (A) training in techniques related to pregnancy or prenatal massage; and
    - (B) first obtained informed written consent for the treatment from the client.

*(State Board of Massage Therapy; 847 IAC 1-2-3; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

**847 IAC 1-2-4 Confidentiality of client information****Authority: IC 25-21.8-2-9; IC 25-21.8-3-1****Affected: IC 25-21.8**

Sec. 4. The certificate holder shall do the following:

- (1) Maintain the confidentiality of client information at all times and not disclose the client's identity or other information unless the release of information is:
  - (A) consented to in writing by the client;
  - (B) required for purposes of immediate medical treatment of the client by a third party; or
  - (C) required by law.
- (2) Maintain client files and business records, including accurate financial records, for at least four (4) years from the date of service and in a manner that secures client confidentiality.
- (3) Dispose of client records in a secure manner that prevents disclosure of personal information.

*(State Board of Massage Therapy; 847 IAC 1-2-4; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)***847 IAC 1-2-5 Boundaries; ethical conduct; sexual misconduct****Authority: IC 25-21.8-2-9; IC 25-21.8-3-1****Affected: IC 25-21.8**

Sec. 5. (a) When providing massage therapy a certificate holder shall do the following:

- (1) Wear clothing that is clean, modest, and professional.
- (2) Provide privacy for the client while the client is dressing and undressing.
- (3) Provide draping in a manner that ensures the safety, comfort, and privacy of the client.
- (4) Use draping so that the:
  - (A) gluteal cleft and genital areas of male and female clients; and
  - (B) breasts of female clients;are not exposed.

(b) Draping is not required when the client remains fully clothed during the massage therapy session.

(c) With prior voluntary and informed consent of the client, the gluteal cleft and breast draping may be temporarily moved in order to perform therapeutic treatment to structures in those areas.

(d) A certificate holder shall not do the following:

- (1) Perform massage therapy while under the influence of alcohol, drugs, or controlled substances, except for prescribed medications that do not impair the massage therapist's ability to perform massage therapy.
- (2) Engage in any behavior with a client that is verbally, physically, or emotionally abusive.
- (3) Exert influence or take unfair advantage of a client for financial or other gain.
- (4) Exploit the client-massage therapist relationship.
- (5) Engage in sexual activity with a client:
  - (A) during a massage therapy session; or
  - (B) at an establishment where massage therapy is conducted.
- (6) Permit any other person to engage in sexual activity with a client:
  - (A) during a massage therapy session; or
  - (B) at an establishment where massage therapy is conducted.
- (7) Initiate or ask the client to engage in sexual activity or behave verbally or nonverbally in a manner intended to solicit sexual activity with a client.
- (8) Expose, touch, or massage the genitalia of a client.

(e) A certificate holder may:

- (1) terminate a massage therapy session; or
- (2) refuse to treat any person or part of the body;

for just and reasonable cause.

*(State Board of Massage Therapy; 847 IAC 1-2-5; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)***847 IAC 1-2-6 Environment****Authority: IC 25-21.8-2-9; IC 25-21.8-3-1****Affected: IC 16-41-11-4; IC 25-21.8**

Sec. 6. A certificate holder shall do the following:

- (1) Provide an environment that is safe, clean, and comfortable for the client.
- (2) Maintain all facilities, equipment, and products used in the practice of massage therapy in a safe, clean, and sanitary condition.
- (3) Comply with the legal requirements of the city, town, or other jurisdiction for sanitation, health, and safety that are applicable to the location or establishment where massage therapy is conducted.
- (4) Utilize proper hygienic practices that, at a minimum, include the following:
  - (A) Hand washing before and after each client.
  - (B) Storing and dispensing products in a manner that prevents contamination.
  - (C) Using only materials furnished for the personal use of the client during treatment, including towels, linens, or gowns, that:
    - (i) have been laundered and sanitized before reuse; or
    - (ii) are single-use items disposed of after each use.

(5) Use universal precautions if required by IC 16-41-11-4 and in accordance with rules adopted by the Indiana state department of health at 410 IAC 1-4.

*(State Board of Massage Therapy; 847 IAC 1-2-6; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

#### **847 IAC 1-2-7 Reporting violations**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 7. (a) The certificate holder shall notify the board or other appropriate authorities of any violations of IC 25-21.8 or this article of which the certificate holder has personal knowledge.

(b) The certificate holder shall cooperate, within the limits of the law, with any investigative proceedings of alleged violations of IC 25-21.8 or this article. (State Board of Massage Therapy; 847 IAC 1-2-7; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

### **Rule 3. Certification**

#### **847 IAC 1-3-1 Requirements for certification**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 1. (a) In order to be certified as a massage therapist, all applicants for certification must do the following:

- (1) File a completed application in the form and manner required by the board.
  - (2) Submit with the application a recent passport-quality photograph of the applicant, approximately two (2) inches by two (2) inches in size, signed by the applicant.
  - (3) Pay fees established by the board in 847 IAC 2.
  - (4) Provide a history of any criminal convictions, including any convictions relating to the practice of the profession.
  - (5) Verify the information submitted on the application.
- (b) Except as provided in sections 4 and 5 of this rule, applicants must also furnish evidence satisfactory to the board showing that the applicant:
- (1) is at least eighteen (18) years of age;
  - (2) has a high school diploma or the equivalent;
  - (3) has completed a massage therapy school or program as specified in section 2 of this rule; and
  - (4) has taken and passed a certification examination as specified in section 3 of this rule.

(State Board of Massage Therapy; 847 IAC 1-3-1; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

#### **847 IAC 1-3-2 Education and training**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 21-17-2-1; IC 25-21.8

Sec. 2. (a) Applicants for certification must have successfully completed a massage therapy school or program that:

- (1) requires at least five hundred (500) hours of supervised classroom and hands-on instruction on massage therapy;
- (2) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and
- (3) is:
  - (A) accredited by:
    - (i) the Indiana commission on proprietary education established by IC 21-17-2-1; or
    - (ii) another state where the standards for massage therapy education are substantially the same as the standards in Indiana; or
  - (B) a program at an institution of higher learning that is approved by the board.

(b) An applicant who has been educated as a massage therapist in a foreign country may be required to submit a certified copy of all academic records and an evaluation, from an accredited evaluation service approved by the board, of all academic records and credentials so that the board can determine if the applicant's education is equivalent to the educational requirements in this section.

(State Board of Massage Therapy; 847 IAC 1-3-2; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

#### **847 IAC 1-3-3 Examination required for certification**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 3. An applicant for certification must successfully complete and pass an examination adopted by the board.

(State Board of Massage Therapy; 847 IAC 1-3-3; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

#### **847 IAC 1-3-4 Certification by endorsement**

**Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1

**Affected:** IC 25-21.8

Sec. 4. The board may issue a certification by endorsement to an applicant who completes the requirements set forth in section 1(a) of this rule and:

- (1) is licensed, certified, or registered in another state having credentialing standards that are at least as strict as the credentialing standards specified under this rule;
- (2) is in good standing with the standards of the other state; and
- (3) causes each state that previously credentialled the applicant to provide the board with verification of the applicant's current status and whether the applicant has been subject to disciplinary action in that state.

(State Board of Massage Therapy; 847 IAC 1-3-4; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

**847 IAC 1-3-5 Notification of changes****Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1**Affected:** IC 25-21.8

Sec. 5. Each certificate holder is responsible for submitting a change of address or change of name to the board not later than thirty (30) days after the change occurs.

(State Board of Massage Therapy; 847 IAC 1-3-5; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

**847 IAC 1-3-6 Certification expiration and renewal****Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1**Affected:** IC 25-21.8

Sec. 6. (a) A massage therapist certification issued under this article expires on a date established by the licensing agency, and every four (4) years thereafter, unless renewed before the expiration date.

(b) Applicants for renewal must:

- (1) apply for renewal in the manner required by the board; and
- (2) pay a renewal fee established by the board in 847 IAC 2.

(c) If a renewal application is not submitted before the certification expires under subsection (a), the certificate:

- (1) is delinquent; and
- (2) may be reinstated under section 7 of this rule.

(d) A certificate holder's failure to receive notice of the upcoming certificate expiration because of failure to notify the board of a change of address or change of name shall not:

- (1) constitute an error on the part of the board or the licensing agency; or
- (2) excuse the certificate holder from timely renewal of the certification.

(State Board of Massage Therapy; 847 IAC 1-3-6; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

**847 IAC 1-3-7 Reinstatement of delinquent certificate****Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1**Affected:** IC 25-1-8-6; IC 25-21.8

Sec. 7. (a) The holder of a certificate that was issued by the board that is three (3) years or less delinquent shall be reinstated upon meeting the requirements of IC 25-1-8-6(c).

(b) The holder of a certificate that was issued by the board that is more than three (3) years delinquent shall be reinstated upon meeting the requirements of IC 25-1-8-6(d).

(State Board of Massage Therapy; 847 IAC 1-3-7; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

**Rule 4. Compliance with Standards; Failure to Comply****847 IAC 1-4-1 Disciplinary sanctions for noncompliance with standards****Authority:** IC 25-21.8-2-9; IC 25-21.8-3-1**Affected:** IC 25-1-7; IC 25-1-11; IC 25-21.8

Sec. 1. (a) Certificate holders are responsible for having knowledge of and complying with the professional licensing standards of practice set forth in IC 25-1-11 and the standards for competent practice of massage therapy in this article.

(b) Certificate holders are subject to the disciplinary sanctions and procedures set forth in IC 25-1-11 and IC 25-1-7 for failure to comply with the licensing standards or the standards for competent practice of massage therapy.

(State Board of Massage Therapy; 847 IAC 1-4-1; filed January 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

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**ARTICLE 2. FEES****Rule 1. Fees; Certification, Renewal, Verification****847 IAC 2-1-1 Fees****Authority:** IC 25-1-8-2; IC 25-21.8-3-1**Affected:** IC 25-21.8

Sec. 1. (a) The board shall charge and collect the following fees:

Application for certification	\$100
Certification renewal	\$150
Verification of certification	\$10

(b) Applicants required to take an examination for certification shall pay a fee directly to a professional examination service in the amount set by the examination service. (State Board of Massage Therapy; 847 IAC 2-1-1; filed January 13, 2009, 11:56 a.m.: 20090211-IR-847080352FRA)

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